

REMARKS

This response is intended to fully respond to the Office Action mailed March 16, 2007. In that Office Action claims 1-4, 6-11, 13, 24, 16-20 and 32-41 were examined, and all claims were rejected. More specifically, claims 1, 2, 9, 13, 14, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen (USPN 6,611,850) in view of Wu et al. (USPN 6,981,114); claims 1, 2, 9, 13, 14, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. (USPN 5,008,853) in view of Wu et al.; claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in view of Wu et al., and further in view of Sherman (USPN 5,832,508); claims 4, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly in view of Wu et al., and further in view of Burns et al. (USPN 6,088,694); claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly in view of Wu et al., and further in view of Burns and Harrison et al. (USPN 6,112,024); claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen view of Wu et al., and further in view of Almong et al. (USPN 6,112,024); claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Wu et al., and further in view of Vasudevan et al. (USPN 6,598,059); claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in view of Wu et al., and further in view of Trede et al. (USPN 5,873,103); claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in view of Wu et al., and further in view of Martin, Jr. et al. (USPN 6,610,105); claims 32-36 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun (USPN 6,510,552) and Morris (USPN 5,634,052); claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Mason (USPN 6,212,512); and claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Barney et al. (USPN 6,212,512).

Claim Rejections – 35 U.S.C. § 103

As noted above, the rejection of claims 1-4, 6-11, 13, 14, 16, and 18-20 are all based on a combination of references including newly cited Wu et al. (USPN 6,981,114) hereinafter the the “Wu Reference.” Applicants respectfully traverse these rejections because the Wu Reference is not prior art with respect to the present application.

The present application was filed on December 12, 2001. The Wu Reference was filed on October 16, 2002 (its 102(e) date) and issued on December 27, 2005 (its 102(a) date). Accordingly, the earliest prior art date of the Wu Reference is almost 10 months after the filing of the present application. Accordingly, the Wu Reference cannot be used to establish a *prima facie* case of obviousness with respect to the present application. Applicants respectfully request the withdrawal of the rejections based on the Wu Reference.

Claims 32-37, 39, 40, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. (USPN 5,008,853) in combination with Benayoun (USPN 6,510,552), Morris (USPN 5,634,052), Mason (USPN 6,212,512) and Barney et al. (USPN 6,212,512).

As applicants have previously pointed out, Bly does not teach or suggest “each timestamp corresponding to a shadow volume that may have a prior version of the file or folder maintained therein,” as recited in claim 32. The Examiner asserts that Figs. 3 and 4 of Bly disclose timestamps associated with shadow volumes. *See Office Action* (March 16, 2007), page 23. Applicants respectfully disagree. Figs. 3 and 4 are property sheets for data objects. The data objects of Bly are not shadow volumes. Bly describes examples of structured data objects as including multi-page documents, a workspace, or desktop. *See Bly at col. 2 lines 5-13*. Thus, the timestamps in Bly cited by the Examiner do not equate to shadow volumes as recited in claim 32. Moreover, none of the other references cited by the Examiner compensate for the deficiency in Bly. For at least these reasons, the Examiner has not established a *prima facie* case of obviousness with respect to claim 32. Claims 32-37, 39, 40, and 41 depend upon claim 32 and are allowable for at least the same reasons.

Conclusion

This Response fully responds to the Office Action mailed on March 16, 2007. Still, the Office Action may contain arguments and rejections that are not directly addressed by this Response because they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Response to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Additionally, failure to address statements/comments made by the Examiner does not mean that the Applicants acquiesce to such statements or comments. Furthermore, the claims of the present application may include other elements, not discussed in this Response, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

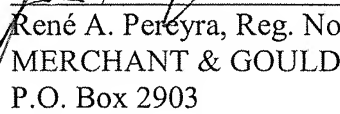
It is believed that no fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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René A. Pereyra, Reg. No. 45,800
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1637